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SPEECH

OF

MR. RICHARD H. HANSON,

OF BOURBON COUNTY,

ON

RESOLUTIONS UPON NATIONAL AFFAIRS;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

— OF THE —

KENTUCKY LEGISLATURE,

FEBRUARY 17th, 1864.

PARIS, KY :

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SPEECH.

The resolutions reported from the Select Committee by Mr Bell, and the amendments offered thereto by Mr. Hanson being under consideration, which are as follows:

REPORT OF THE COMMITTEE.

On the 15th instant, Hon. Joshua F. Bell reported from the Select Committee of seven, to which the resolutions on Federal Relations were referred on the 13th, the following:

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That this State need make no further exhibition, by way of political resolutions, of her intense loyalty, or her sincere and unalterable devotion to the National Union. Her stand has been taken after the maturest deliberation, and is known to the world. She will not prove recreant by taking any backward step, but will go forward with all her resources of men, money, and credit, to the support of our gallant armies in field until the rebellion is subdued, and treason disarmed; and she will, through the peaceful modes prescribed by the fundamental law of the land, use her efforts to correct any errors that may have been committed, either by the executive or legislative department of the government.

2. *Resolved*, That we regard as impolitic the enlistment of negro soldiers into the armies of the United States, and we earnestly protest against their enlistment within the State of Kentucky; and we respectfully request the President of the United States to remove from our limits and borders, all camps for negro soldiers, by which our slaves are enticed to leave the service of their owners.

3. *Resolved*, That in the opinion of this General Assembly, the legal status of the States in rebellion, as regards the Union, was not changed by the criminal action of their people in attempting to secede, thus forcing a civil war upon the country; and when the people of one or all of those States shall, in good faith, return to their allegiance, their States are, as before the war, members of the great American Union, and the people thereof are citizens,--all subject to the Constitution and laws of the United States.

Mr. Hanson offered the following as a substitute for the second resolution:

2. *Resolved*, That we declare our abhorrence and unqualified condemnation of the policy of enlisting negroes in the armies of the United States, as unjust to our soldiers, degrading to our armies, humiliating to the nation, and contrary to the usages of civilized nations. This war is, on the part of the United States, the patriotic struggle of White American citizens for the preservation of their free institutions, and in this glorious struggle they ought to rely upon their own brave hearts and strong arms with unwavering confidence, and indignantly reject the co-operation of negro soldiers.

And the following additional resolutions:

4. *Resolved*, That slavery is a State institution, guaranteed by the Constitution of the United States, and slaves are regarded as property by the laws of all the States where slavery exists, and they have been so regarded since the establishment of the Government of the United States, and in many of the States from a period long before the existence of the Government of the United States, yet, like other property, they are subject to capture, and other lawful effects of war, and we do not object to their employment as laborers whenever the public service requires it.

5. *Resolved*, That the existing civil war, into which the Nation has been forced by the wickedness and treason of the rebels, ought not to be waged on our part in any "spirit of oppression, or for any purpose of conquest or subjugation, or for any purpose of overthrowing or interfering with the rights, or established institutions of any of the States, free or slave, but to defend and maintain the supremacy of the Constitution, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease."

6. *Resolved*, That the doctrine, recently announced in certain high places, that the States in rebellion are no longer States in the Union, and that, upon the subjugation of the rebellion, they should be held as territories or conquered provinces by the strong arm of military power, and that they shall only be admitted to a place with the sisterhood of States upon new conditions unknown to, and repugnant to, the Constitution of the United States, is a doctrine fraught with evil, and evil only, is in contravention of the Constitution of the United States, is dangerous to the liberties of the people, destructive of the rights, dignity and equality of the States, tending directly to a consolidation of all political power in the Federal government, and to anarchy, and finally to military despotism, and it in fact recognizes the dangerous principle of the right of secession ; against this doctrine we earnestly protest.

7. *Resolved*, That the proper constitutional relations of the States in rebellion to the Government of the United States have been suspended by military force, and whenever the military power of the rebellion is subdued and destroyed, and the people of any of these States shall, in good faith, return to their allegiance, and to obedience to the Constitution and laws of the United States, they have the constitutional right to resume their relations to the Government of the United States, as they existed before the rebellion, and any attempt to defeat or hinder this sacred right, by the application of new tests and conditions, is in derogation of the Constitution, and ought not to be sanctioned.

8. *Resolved*, That the Inaugural address and message of Gov. Bramlette to the present General Assembly, so far as the same treats of our Federal Relations, reflect truly the sentiments of the Union people of Kentucky, are approved by the present General Assembly, and are recommended to the patriotic consideration of the American people.

9. *Resolved*, That the Governor be requested to send a copy of these resolutions to the President of the United States, and to our Senators and Representatives in Congress, to be laid before that body.

Mr. Hanson said :

Mr. Speaker, it is appropriate that I should acknowledge my obligations to this house for their kindness and courtesy extended to me yesterday evening, in adjourning to this evening that I might have an opportunity of being heard upon the resolutions reported from the Select Committee, and the amendments which I had the honor to propose to them ; and at the threshold of this discussion, it affords me great pleasure to respond fully and heartily to the feeling of kindness and courtesy expressed by the distinguished gentleman from Boyle, for this body and each of its members. Feeling, as I do, conscious that I have always on this floor, desired to be courteous and respectful to the house and to each and every member, and that I have in fact been thus courteous and respectful, I trust and feel assured that the same happy consciousness will be mine when I shall have finished this discussion.

I hope Mr. Speaker, I have a proper appreciation of the magnitude, importance, dignity, and great gravity of the subjects presented for consideration and action by the resolutions. And I will endeavor to speak distinctly, candidly and fairly, of public measures and principles, always remembering the high and delicate responsibility of any public man, however humble he may be, who essays to discuss, in times so perilous, great questions of State and National interest, involving in their just and proper settlement, not only the welfare and happiness of the nation; but also as I verily believe, the existence and perpetuity of free institutions, of constitutional liberty, and the very life of the nation itself.

And I must utterly dissent from the opinion which has been expressed upon this floor, that Kentucky ought not to pass any resolutions now, but in the midst of the revolution now in progress, that she

ought to be silent. Upon the contrary, I hold that it is not only the privilege and right of the State to speak through her legislature, but that it is her bounden duty to let her voice be heard throughout the nation upon these great questions by appropriate resolves. Nor can I yield my assent to the opinion of the distinguished gentleman from Boyle, that platforms are of but little utility, and that the shortest are always the best, in illustration of which proposition he referred triumphantly to the log cabin, hard cider, and coonskin platform, and canvass of 1840, and to the platform of General Taylor, known as the Allison letter, which played a part so conspicuous in the political campaign of 1848.

Platforms are but the agreement of men or parties to the principles of action by which they will be governed, formally announced by resolves or other appropriate modes. They have indeed been too often, disregarded by the selfish and the ambitious, who have used them as ladders to climb into power, and have kicked them from under them, when they supposed them no longer necessary to the consummation of their wicked and unhallowed purposes. But can this be used as a reason why men should have no declarations of principles? Surely not. The infidelity and faithlessness of unprincipled, and corrupt men, to their declarations of principles, is certainly no reason why men should have no principles to guide their actions, and to lead them into the proper pathway in the difficult journey of life. As well may it be said that there should be no marriages or marriage vows, because these relations and vows are so often violated. As well may it be said that there should be no proclamation of the truths and principles of our holy religion, because forsooth so many who embrace these truths and principles violate and repudiate them. Such reasoning is entirely fallacious and illogical, and without any foundation in truth.

The illustration of the log cabin, hard cider, and coonskin platform is indeed unfortunate for the gentleman. It is true that that great national frolic did result in the election of General Harrison to the Presidency, and of John Tyler to the Vice Presidency, under the popular cry of "log cabins, hard cided and coon skins" and "Tippecanoe and Tyler too," and a party victory was obtained upon the platform so much admired and eulogised by my distinguished friend. But what were the fruits of that victory? only such as might have been expected from a triumph so achieved; disappointment and mortification to the friends who had placed the party in power, and serious disaster to the country. A few months had scarcely elapsed, before President's Cabinet was broken up, and a majority of those who had placed them in power, were found in opposition to the ill-fated administration at the head of the Opposition, were the distinguished leaders of the party who had been successful in the election. Foremost amongst them was the nation's greatest statesman, and Kentucky's most illustrious citizen, Henry Clay. Such was the result of the election of 1840, and such was the bitter fruition of that disastrous victory, and such will always be the sad result whenever principle is sacrificed to expediency. And now that great and glorious old Whig

party, which had so long and so nobly battled against executive power and usurpations, and for constitutional principles, and for what it believed to be the best interests of the country, in an unlucky moment unwisely went in pursuit of ephemeral success, and of temporary party triumph. The insidious spirit of mere expediency, the love of power, and the temptation of office had seduced it from its wonted propriety and integrity, it consented that its principles should lie in abeyance until the victory should be won. The victory was won, but such a victory, no party could bear, it demoralized the party, which had gained it, drove from it many of the reflecting and considerate. This victory proved to be far more disastrous to the victors than many defeats had been. And the election of 1848, when General Taylor was elected President upon his celebrated Allison letter promised to be almost as disastrous. The Allison letter can be considered as nothing more than a cunning electioneering document, and as an enunciation of principles as little more than an artful dodge.

And the same disastrous consequences seemed to await the party that had placed the new administration in power that had overwhelmed it in 1840. Serious discontents were apparent among the friends of the new administration; a storm was brewing, a rupture was at hand and the catastrophe was only averted by the wisdom, integrity patriotism and statesmanship of Millard Fillmore, who had acceded to the Presidency, upon the untimely death of General Taylor.

The demoralization which had commenced in 1840, was now complete. The old Whig party, with its renown, and its ancient prestige, with its noble achievements and its heroic supporters, went down to rise no more forever.

Let its history be a warning to us all, and let it teach us the solemn lesson that safety and whatever of permanent success is valuable to a patriotic political party, only attends the faithful and honest adherence to truth and correct principles, and that it may be far better for the country that we should meet with defeat in the earnest advocacy of truth and correct principles than that we should find success in the foul embrace of error and falsehood. If that Whig party had preserved its organization, its integrity, its constitutional principles and its conservative influence, who can say that this terrible civil war would not have been averted. We cannot arrive at absolute certainty upon a subject in its nature so speculative. We only know the great calamity is upon us, and that the old party is gone. What would have been its influence and effect upon the destiny of the country if it had survived, we cannot know, we can only conjecture. The influence and effect of moral agencies cannot be measured by plummet and line, or by mathematical formulas.

But the distinguished gentleman seemed to think resolutions are unnecessary because they cannot effect any thing, I most earnestly dissent from this opinion. No great principles was ever enforced or carried into practice with a free people without full, free and unrestricted discussion and interchange of thoughts and opinions. This freedom of thought and expression, especially upon public measures, is one of the most valuable rights of a free people; it should never be abandoned

upon any pretext whatever. A people who surrenders this precious right, or fails in its exercise on proper occasions, cannot long be free. Its infringement ought always to be firmly and earnestly resisted. The patriotic founders of our Republican liberty fully appreciated and recognized this invaluable right, and its exercise, especially in matters of national concern, they enjoined as a stern duty. The wise and patriotic men who framed our Constitution, doubtless believed they had made every necessary guarantee for the preservation of the freedom and liberty of the people. But the first Congress under that Constitution, as early as 1789, found that other securities were needed, and the first amendment in the series offered by them and adopted by the States was made to guard and protect the free exercise of religion, and the freedom of speech and of the press. It is in the following words : "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or *abridging the freedom of speech or of the press*, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The Constitution of Kentucky, in the Bill of Rights, declares, Sec. 9 :

"That printing presses shall be free to every person who undertakes to examine the proceeding of the General Assembly, or any branch of the Government ; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print, on any subject, being responsible for the abuse of that liberty." And the last section in the Bill of Rights declares that this right is *excepted out of the general powers of the government, and shall forever remain inviolate.*"

Mr. Webster said upon this subject : "It is the indubitable prerogative of the people to canvass public measures, and the merits of public men, it is not to be drawn into controversy. It is as undoubted as the right of breathing the air, or walking upon the earth, belonging to private life as a right, it belongs to public life as a duty, and it is the last duty that I shall abandon ; this high constitutional privilege I shall defend and exercise at all hazards."

And Mr. Crittenden, in his last great speech made at Lexington to his constituents, urged them to exercise their great constitutional right of free speech. It was made a short time before his death, and comes to us like a paternal admonition from the tomb. He says :

"I would have every man have spirit enough to declare his opinions and offer his protests ; without this freedom of speech there can be no lasting liberty ; the Republic cannot exist. If every man should close his lips, and not venture even a word against violated rights, who could maintain free Government ? nobody. A people who cannot discuss the public measures of the nation and apply the necessary rebuke to secure the correction of wrongs cannot be a free people, and do not deserve to be."

Thus you will see, Mr. Speaker, with what careful vigilance the fathers of the republic watched and guarded this great bulwark of freedom and Constitutional liberty. How it has been cherished by the

great statesmen of the nation, and how it has been established by the Constitution of Kentucky, these early patriots and statesmen remembered the pretexts by which it had been assailed in the old world, they intended that it should be unshackled in the new. They intended that this great heritage should be held forever by the people as a shield against the aggressions of Executive, Legislative or Judicial power, and as a means for the propagation of truth, and for the assailing rebuke and defeat of falsehood and error; but it is urged that declarations and resolutions can do no good now. Why not? Is the human mind shut out from the light of reason? Can men no longer listen to argument, persuasion or remonstrance? Do prejudice and passion alone rule the hour. I cannot believe it. Such a conviction would fill me with unspeakable despair for the destiny of our beloved country. I should feel that the last hope of Constitutional liberty was gone from the earth, Oh, it cannot be so. Heaven has not, I reverently hope and trust, so much of wrath in store for the children of men.

So long as mind rules matter, so long as men have heart, intellect and feeling, just so long will they be influenced by discussion, by the free communication of thought, by the interchange of opinions, and by their convictions of right and wrong. It is acknowledged as a truism that the world is ruled by opinion. Correct opinion and principles are the source of all right and considerate action, whether with individual man or with nations, so error and false opinion are the foundation of all evil crime and oppression among men. As the blood of the martyrs is said to be the seed of the church, so may it be said with far more truth, that correct opinions and right principles are the source of all good conduct among men. Who can fathom the boundless influence of the freedom of speech? Who can recount its numberless triumphs? By this religious freedom was established. It was by this that Martin Luther and Wickliffe and their coadjutors and successors propagated the faith of Protestant Christendom. It was by this freedom of speech that the truths of our holy religion have been brought to the hearts and consciences of dying men unto salvation. It was by this freedom of speech that the chosen apostles of Christ were to execute the great commission, to "Go into all the world and preach the Gospel to every creature."

The declarations of principles and opinions on great occasions is one of the highest duties of the faithful statesman. Truth is eternal; men grow up and wither and perish like the grass. The life of a man or a generation of men is but as a day in the history of nations; but their deeds, actions and influence for good or evil continue forever. Great and true principles enunciated to men will be found to be good seed sown in good ground. They may not germinate immediately; they may, indeed, remain in the soil where they are planted for years, and under adverse circumstances for centuries; but they are immortal and cannot perish or be lost forever. They will do their work silently and faithfully, and finally will spring forth in strength and beauty, under the genial influence of intellectual and moral light and warmth to bless mankind. It is then most unwise not to proclaim the opinions and principles which we know to be right, when any great emergency

calls for their distinct and emphatic enunciation. He who contends that Kentucky should be silent amid the great and vital issues now presented to the country seems to me to speak thoughtlessly and lightly. I have been asked, deprecatingly asked, by the distinguished gentleman from Boyle, in his very conciliatory speech, if I would thunder in the President's ears? I answer, yes. If the voice of Heaven's thunder were graciously vouchsafed to me, I would speak to him in its loudest tones, and I would have them to reach him with the speed of the lightning's electric flash, and sound in his ears until he shall be awakened to the true interest of the country.

No sir. We are in the midst of a terrible civil war, brought upon us by the causeless and wicked rebellion of a large portion of the people of the Southern States. This rebellion we are seeking to conquer by the power of the sword, and at the same time we are struggling to maintain our constitutional rights, and it becomes us to watch jealously every infraction of these rights. And when they are endangered we must defend them by the peaceful appeal to the ballot box, by remonstrance, by protest, by resolutions. We must speak out promptly and boldly in their defence. A people who are prevented from thus speaking, either from motives of policy or fear, are not yet to be conquered. They are already enslaved. Shall old Kentucky, in this crisis, be dumb as the sheep before the shearers, or the ox at the shambles? I would not have her to speak in passion or seditiously, but firmly, calmly, earnestly, boldly—in a manner befitting the great occasion, and her character and dignity. There are peculiar reasons why the voice of Kentucky should be heard now. At a meeting recently held in Louisville, I believe it was for the purpose of appointing delegates to what is denominated a Freedom Convention, called to meet in that city on the 22nd instant, it was distinctly announced that at no distant day the test of loyalty shall be freedom, that is the unconditional emancipation of all slaves in all the States of the Union. And more recently still, a meeting was held in the city of Newport, in the County of Campbell, in which a certain Government official played a prominent part. The enlistment of negro troops into our armies was strongly recommended, and especially that they should be raised in Kentucky. As a compensation and offset for this, I will call attention to a meeting recently held at Elkton, in the County of Todd. I will now ask the Clerk to read the proceedings of this meeting.

PUBLIC MEETING.

ELKTON, Feb. 8, 1864.

At a meeting of the citizens of Todd County, assembled in the Court House, in the town of Elkton, on the 8th instant, it being County Court day, Col. E. G. Sebree was called to the chair, and Wm. B. Downey was appointed secretary.

The objects of the meeting were announced by the chairman in a few brief and appropriate remarks, after which the meeting was addressed by Judge Hollingsworth, in which he urged the people to stand by the government of their fathers, to assist in crushing this cruel rebellion, and roll back the tide of fanaticism which wicked men were seeking to excite in our midst. The Judge received the undivided attention of the assembled concourse.

On motion of Captain Perkins, the following persons were appointed a committee on resolutions: Judge J. G. Hollingsworth, Benjamin T. Perkins, U. E. Kennedy, Dr. Sullivan, and Spotswell Smith. Captain Perkins, from the aforesaid committee reported the following, which, after some lively discussion, were unanimously adopted:

1. *Resolved*, That the resolutions of the General Assembly of the Commonwealth of Kentucky, concerning National affairs approved March 2, 1863, embody principles in our judgment eminently sound and practical, and such as should control the action and direct the policy of our rulers both State and Federal.

2. That we fully endorse the platform promulgated by the Union Democratic party of this State at its last convention for the nomination of a State ticket, which met in Louisville on the 18th of last March.

3. That in Gov. Bramlette, we recognize one whose statesmanship and patriotism constitute him a representative man, not only of Kentucky, but of the enlightened policy and conservative sentiments of the whole country; and that the doctrines so happily expressed, and so logically sustained, in his inaugural address and message, not only merit our approval but extort our admiration.

4. That we unanimously disapprove of the views and purposes of the proposed "Freedom Convention," called by James Speed and others to meet in Louisville on the 21st instant; that we believe such a meeting unwise, uncalled for, and revolutionary in its tendencies, as well as dangerous to the liberties of the people; that it is alike the duty, the interest, and the purpose of Kentucky to seek no new position but to abide in firm and patriotic confidence by the tried principles and conservative policy which have guided her to safety and to honor as heretofore; and we endorse the resolution introduced into Congress on the 23rd of July, 1861, by the lamented Crittenden, one of Kentucky's noblest patriots and statesman, which maintains "that the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the constitutional government and in arms around the capital: that in this national emergency Congress banishing all feelings of mere passion, will recollect only its duty to the whole country; and this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or institutions of those States, but to defend and maintain the supremacy of the Constitution and preserve the Union with all the dignity, equality and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease." For these principles we are willing to go before the country and battle as in days of yore; and at the same time we are not insensible of the importance or indifferent to the result of the approaching contest for the Presidency; while there are many men whom we would willingly sustain for that important position, there is none whose leadership would be so welcome, whose name can awaken such enthusiasm, as that of Gen. Geo. B. McClellan.

5. That we fully endorse the resolutions introduced into the Senate of the United States by the Hon. Garrett Davis, and tender to him our gratitude for his bold and manly vindication of them; that he has nobly sustained the honor of the people he represents.

6. That as a sound, able, independent, and reliable paper, above the rage of faction superior alike to menace and corruption, the *Louisville Journal* continues to receive our unqualified approbation and support.

4. That the proceedings of this meeting be sent to the *Louisville Journal* and *Democrat* for publication.

E. G. SEBREE, Chairman.

WM. B. DOWNER, Secretary.

These resolutions were unanimously adopted, after a lively discussion. The meeting was composed of the most intelligent and influential Union men of the County, was called at the Court House on a County Court day, and was doubtless largely and well attended.

It is indeed a matter of the profoundest congratulation to the lovers of their country, to the friends of the Union, of the Constitution and of the laws of the land, that the good old County of Todd has spoken out so opportunely, so decidedly and so patriotically. I thank Heaven that while such bad, dangerous, radical and unconstitutional measures and counsels are proclaimed on our extreme Northern border, in the vicinity of Cincinnati, the loyal County of Todd on our Southern border still stands firm and unmoved in her devotion to the Union, the Constitution and the laws of the land, amid the storm of fanaticism which threatens to overwhelm the liberties of the people in irretrievable

It is exceedingly gratifying to me, Mr. Speaker, that the Todd County meeting, by its unanimous voice after free discussion, fully indorsed "the resolutions introduced into the Senate of the United States, by the Hon. Garrett Davis, and tendered to him their gratitude for his bold and manly vindication of them, and declared that he had nobly sustained the honor of the people he represents."

These resolutions are indeed the greatest effort and the crowning triumph of Mr. Davis's useful and honorable life, now not short; they are happily conceived and well expressed; they are clear, bold, manly, distinct and patriotic, and replete with wisdom and truth. As a presentation of the theory and principles of our Government under the Constitution, they cannot be successfully assailed; they are Conservative and assert principles, vital to the preservation of our Constitution and constitutional liberty. They breathe the ardent and earnest spirit of patriotism, which has ever animated their distinguished author, whether battling against secessionists at home or abolitionists at Washington. This series of resolutions is the richest jewel, the brightest star that adorns the coronet upon his brow. It is not a single jewel but a cluster of priceless jewels; it is not a single star but a brilliant constellation.

Yet for introducing these resolutions the rude Senator from Massachusetts attempts to drive unceremoniously Kentucky's chosen Senator from the Senate of the United States, by an ignominious expulsion, and thus by dishonoring him to discredit the State. He no doubt thought in his rampant fanaticism, and in his overweening vanity, and vulgar self-conceit, that he could humiliate the faithful and gallant statesman of Kentucky. Having by his side a radical abolition majority, he vainly thought it would be an easy task to get rid of one who had been so much in their way.

But he did not know his man. He was made of sterner stuff than he thought. Instead of an humble, cowering foe, he found a lion in his path; the noble old Senator always frail and delicate, now borne down with care and patriotic anxiety, seemed to us for awhile to stand almost alone. He stood unmoved and unblanched; he quailed not before his pursuers; he held at bay the whole pack of his assailants; he stood erect in the strength of conscious rectitude, ready and willing to meet all comers. His courage and his confidence seemed to rise with the emergency. There he stood in the place which had been filled by Clay and Crittenden, their worthy successor to be tried as a criminal for vindicating upon the floor of the Senate the Constitution of his country, and for advocating what he conscientiously believed to be the best interests of his country. Such a scene had never before been witnessed in the American Senate; there he stood in calmness and dignity, in all the majesty of fearless innocence, serenely awaiting all assaults. The Senator from Massachusetts came forth to defend his resolution and to annihilate the Senator from Kentucky, but his puny blows fell harmless at his feet.

Our noble Senator's vindication was indeed "bold and manly," and triumphant, his assailants stood aghast. The unhappy Senator who had introduced the resolution of expulsion was glad to withdraw it.

and to shrink from the contest, the contempt if not the disgrace of the Senate. It is indeed true that he is thrice armed who has this quarrel just. It is a sublime spectacle to the contemplative mind, to see a chivalric, earnest, true and brave man, promptly meet and overcome great difficulties by the power of truth and justice, and the moral force of discussion and argument. Such it was to see the gallant Senator from Kentucky, standing alone in his place against a furious fanatical, dominant, radical party, vindicating fearlessly the Constitution of his country; standing up in the Senate as a Senator should do for right against might; struggling for the preservation of the Union and the chartered rights of the people, which chiefly make the Union valuable. When I contemplate the scene in the Senate, I am proud of our distinguished Senator, and feel that he has been true to himself and an honor to his native State.

The resolutions and their author will be gratefully remembered by the friends of the country and of Constitutional liberty long after the Massachusetts Senator has been consigned to that hopeless oblivion, which soon and inevitably awaits him. Mr. Davis is my neighbor and personal friend, and honored constituent. I know his kindness, his benevolence and his generosity. I know his purity of heart, his ability, his deep devotion to his country and to the Constitutional rights of the people; and with me it is a labor of love to render my humble tribute to his private virtues and to his public worth.

I come now, Mr. Speaker, in the course of my remarks, to the resolutions reported by the Select Committee, and the amendments which I offered to them in the House. It will be remembered that on the 7th day of January last, I offered a series of resolutions on National Affairs, which were referred to the Committee on Federal Relations; that Committee reported not long ago, embodying in their report several of the resolutions which were in the series offered by me; after a partial discussion the report of that Committee was, upon the motion of the gentleman from Boyle, committed to a select committee, of which he was of course made Chairman. The Select Committee reported the resolutions, now before the House, and I offered as an amendment thereto several of the resolutions of the series which I had before offered, and also a resolution heretofore offered by the gentleman from Daviess, and it becomes my duty now to discuss the report and amendments.

The report of the Select Committee is objectionable, because it does not come up fully to the great issues before the country; it is tame and subdued in its tone. I object to it for what it fails to say rather than for what is said. I will, however, proceed to consider the resolutions in their order. The first one begins by declaring that Kentucky need make no further *exhibition*, by way of political resolutions, of her intense loyalty. The phraseology implies a censure upon the former declarations of loyalty made by the State. It indirectly asserts that the State has heretofore made exhibition of her intense loyalty by political resolutions. It is a deisive slur upon the former action of the Legislature, not so intended by the Committee I believe, but yet liable to that construction; and certainly it would be most unbecoming in this

Legislature to pass any resolution which justifies or even furnishes a pretext for such construction ; but it declares that she need not make any further "*exhibition.*" The word exhibition is unfortunate ; we say of a flippant girl who is seen parading the streets, flaunting her flashing, tawdry finery, that she makes an exhibition of herself ; we say, when an elephant is to be shown, that it is an exhibition ; we ask each other if we saw the exhibition the other day, when Gen. Tom Thumb and family were exhibited. No sir. Kentucky makes no exhibition of herself ; she seeks no vain display ; she acts only from a conviction of duty, and with a calm appreciation of her high responsibilities to herself, to the nation, and to the world. The sentiment of the resolution which favors the vigilant prosecution of the war until the rebellion is subdued, meets with my hearty approval. But the resolution seems in its last clause to express a doubt whether any errors have been committed at all, by either the Executive or Legislative departments of the Government, as it only declares that she would use her efforts by the peaceful modes of the Constitution, to correct any errors which may have been committed, and it may be contended with plausibility at least, that even this effort is to be postponed until the war is over. Such a doctrine is most repulsive to me. If no remedies are to be sought until the war is over, I fear it will be too late to rescue the country from the direful effects of the grave errors and wrongs which have been committed. I dislike the exceeding softness of the word errors ; the smallest peccadillo is an error ; it is the gentlest word of disapprobation that can be employed. I would prefer the phrase "grave errors" or "wrongs" as more expressive and more consonant with truth. In the series of resolutions which I offered at the beginning of last month to the House, there were two, now not offered as amendments, but which were before the Committee and rejected by them. These two seem to me to be more pointed, and to come more fully up to the requirements of the occasion than the first resolution now under consideration. I will read them :

1. That Kentucky is now as she has always been loyal and true to the Government of the United States of America, and to the Constitution and the laws made in pursuance thereof.

2. That we look upon the rebellion which has desolated the country for more than two years past, as most wicked in its inception, and in its progress, as treasonable, and as a high crime against Christianity and civilization, and we declare that it is the imperative duty of the Government to suppress it. And for that purpose, we desire that every constitutional resource of the nation, whether of men or money, or otherwise, shall be devoted with untiring zeal until the object is fully accomplished.

The first of these is a firm and dignified expression of continued loyalty and devotion to the Government, to the Constitution and to the laws of the land. The resolution of the Committee looks alone to loyalty and devotion to the Union, and declares that it is needless to make any further exhibition of that. I think it entirely proper and important for this Legislature, fresh from the people as it is, and having been elected under circumstances somewhat peculiar, to give expres-

sion to her continued loyalty, and to say plainly that her loyalty and devotion is not alone to the Union, but is also to the Government, to the laws and to the Constitution. I declare, sir, in the language of the Hon. B. R. Curtis, that "loyalty is not subserviency to a man or to a party," "but that it is an honest and wise devotion to the safety and welfare of our country, and to the great principles which our constitution of Government embodies, by which alone that safety and welfare can be secured. And when those principles are put in jeopardy, every truly loyal man must interpose, according to his ability, or be an unfaithful citizen." The other resolution declares the rebellion to be wicked, treasonable, and a high crime against Christianity and civilization, and earnestly invokes for its suppression, all the constitutional resources of the nation, whether of men or money, or otherwise. Is not this rebellion wicked and treasonable, and a high crime against Christianity and civilization? Look at the past! see a happy and enlightened people, living under the freest and best government in the world, a government in which their rights and liberties are guaranteed and secured by written Constitutions made by themselves, where all the rights necessary to the enjoyment of life, liberty and pursuit of happiness are secured to every citizen, look at the prosperity of the people, the accumulation and general diffusion of material wealth, the progress in education, the general dissemination of knowledge, the freedom from burdensome taxation; the spread of gospel truth throughout the land; the thousands of public charities for the amelioration and enlightenment of the people; the many millions of acres of rich virgin lands held by a beneficent Government for its people, spreading out before them in all the luxuriance of bountiful nature; inviting the hardy sons of toil to come to their cultivation and find a home and independence, and reap the sweet and generous rewards of honest labor. Then see what ruin and desolation has been brought upon this happy land, not for the redress of real wrongs, but only imaginary ones. Behold the hundreds of thousands of brethren in hostile array, seeking to take each other's lives. Contemplate the loss of life by battle and disease. See the maimed and wounded who are left to drag out their unhappy existence in grief and sorrow, and too often in want and neglect. Reflect upon the distress and misery brought upon the country by the rude summing of the dearest relations and ties of life. Think of the widows and orphans left to mourn the untimely loss of fathers and husbands, of the parents and children, the brothers and sisters whose hearts have been wrung by the severest grief; think of the labor and intellect withdrawn from the useful employments of peaceful life. Contemplate if your mind can grasp it, the great demoralization of the people as a necessary consequence of so great a civil war; look at the alarming expenses of the war, and the weight of debt and consequent taxation imposed upon this and succeeding generations. Contrast it with the peace, plenty and moral and intellectual culture that would have blessed the land, except for the war forced upon the nation by this wicked and causeless rebellion. Surely there has not been before such a crime against Christianity and civilization as this rebellion; surely it is the bounden duty of the nation to suppress and destroy it, and to devote

with untiring zeal to that purpose all the constitutional resources of the nation, whether of men or money or otherwise, until the end is fully accomplished.

The next resolution proposed by the Committee is upon the novel and important question of negro enlistments into the armies of the United States. The resolution, offered by the Select Committee, appears to me to be very tame and spiritless; the Committee seem to wish to say as little as possible upon this grave question. They do venture, it is true, to say it is "impolitic" to enlist negroes into the national armies. Oh, how great is the outrage and how soft the phraseology of dissent. While it is well known that negroes are now being enlisted in the Southwestern part of the State, and the resolution itself admits that camps of negro soldiers are already established within the State, and "respectfully requests" the President to remove them from our "limits and borders." We are only to say "we deem it impolitic;" the resolution does not declare such enlistments to be wrong in principle, does not point out the serious objections to the wicked measure, but only says it is "impolitic." A measure may be impolitic to-day and politic to-morrow. The slightest objection may render a measure impolitic in the estimation of some persons; it may to-day be impolitic from the inconvenience of enforcing it, and to-morrow when the inconvenience is removed the same measure may be considered altogether politic. The language is indeed feeble, indefinite and unmeaning, and entirely inadequate to the grave and important occasion. While the resolution says, we deem it impolitic to enlist negroes, it in the same soft voice says we earnestly protest against their enlistment in Kentucky, why do we only protest against their enlistment in Kentucky? If the thing is wrong in principle, is it not as wrong in the Loyal States of Maryland and Missouri as in Kentucky, if it is injurious to the interests of the nation; if it is a usurpation of power, or if it is a violation of the National Constitution, we ought to protest against it, whether done in one loyal State or another, as well against the perpetration of the wrong in Maryland and Missouri as in Kentucky. I trust our patriotism is not limited by the boundary of the State. I hope we are not so selfish as to protest against the perpetration of this great national wrong in Kentucky, and yield a silent acquiescence when done in the loyal States of Maryland and Missouri. The resolution is in the subdued tone of petition, and not in the bold and manly and earnest language of protest. A lover may say to the idol of his affections, in wooing tones, "your conduct is impolitic," I "earnestly protest." In great emergencies the protest may be so exceedingly mild as to invite the very thing protested against. I hold, sir, that upon this vital question our utterance should be firm, strong, definite and pointed, such as is befitting to this great Commonwealth, on this trying occasion. I have therefore offered a substitute for this resolution, which declares our unqualified condemnation of the enlistment of negroes, because such enlistments are unjust to our soldiers, degrading to our armies, humiliating to the nation, and contrary to the usages of civilized nations, and that this war is, on the part of the United States, the patriotic struggle of white American citizens, for

the preservation of their free institutions, and that in this glorious struggle they ought to rely upon their own brave hearts and strong arms, with unwavering confidence, and indignantly reject the co-operation of negro soldiers; and also an additional resolution, declaring that Slavery is a State institution, guaranteed by the Constitution of the United States, and that slaves are regarded as property by the laws of all the States where Slavery exists, and that they have been so regarded since and before the establishment of the Government itself, and that like other property slaves are liable to capture and to other lawful effects of war, and that when so captured they may be used as laborers.

The last of the above resolutions appears to us to announce Constitutional doctrines and truths that may be considered axiomatic. The history of African slavery in the United States is so well known, the compromises of the Constitution upon the subject are so well understood, and have so often been discussed in the Legislative bodies of the several States, and in Congress, in popular assemblies, and in the newspapers throughout the country, that these doctrines and truths have become familiar to all intelligent citizens. Of course when I speak of the compromises of the constitution upon the subject of slavery, I will be understood to refer to the provision protecting the African slave trade for twenty years, until the year 1808, and even then not prohibiting it, but leaving it after that period to the discretion of the law-making power. And to the basis of representation by which three-fifths of the slaves are counted; and also to the provision that the fugitive slaves escaping into another State shall be delivered to their owners, and shall not be discharged by reason of any law or regulation of the State into which they may have escaped. These were questions about which the members of the Convention, which formed the constitution, differed in opinion, the slaveholding States believed them to be vital to their prosperity, and all admit that except for these compromises the constitution would never have been adopted by the requisite number of States.

That slavery is a State institution, and exclusively under the control of the States respectively where it exists, and may be abolished or continued by such State at will, without the control or interference of the national government has been conceded by every department of the government; by every party in the nation; by every administration not excepting the present one; by every distinguished statesman of the republic, with whatever party he may have affiliated, or however ultra his opinions may have been upon other questions. There seems to have been no other opinion upon this subject until the truculent spirit of blind abolitionism seized a portion of the people of the non-slaveholding States, who, in their unscrupulous fanaticism, devoted themselves to the single purpose of destroying the right of the owners to their slave property. They now affect to think (the wish being father to the thought) that the National Government has power over slavery in the States, but those who set up this pretense are but few in number, and of but little influence. I mean those who claim this right under the Constitution; for there is a very large, fierce and dominant party

who assert this right, as a war power outside of the Constitution. But the *general* conviction that there is no Constitutional power in the Federal Government over slavery in the several States, will explain certain startling usurpations of power which have been made by the President and the dominant party in Congress; of these I will hereafter speak more at large.

Kentucky has sent more than fifty thousand soldiers into the National Armies, having voluntarily gone into the service of the nation, for the preservation of the Union and the Constitution, and for the suppression of the Rebellion. They have shed their blood and sacrificed their lives, upon every field where they have been. Their valor and heroism have been conspicuous in many a bloody battle, and they have, by their patriotism and conduct, added new lustre and renown to the Commonwealth and to the whole nation. And they are still ready and willing, as a part of the citizen soldiery of the country, to devote their energies, and their time, and, if need be, their lives for their country; they had been told by the President in his inaugural address and his message, that the ordinances of Secession were null and void, and that although the relations of the States which had passed Secession ordinances with the National Government, and the other States of the Union had been interrupted by a portion of the people of the States, which had passed such ordinances, taking up arms and actually levying war against the national government, yet that when the military power of the rebellion should be destroyed, the seceding States would respectively resume their places in the Union with all their rights, dignity, and equality unimpaired. This had been declared with unprecedented unanimity by Congress. They knew that slavery was established by the Constitutions of the slave-holding States, and guarded and protected by the Constitution of the United States. They felt their hearts swell with pride when they thought of their high position as citizen soldiers, arrayed in the National uniform, under the honored national banner, cheerfully devoted to the preservation of the very life of the republic, and of the great Constitutional rights of the people. They did not dream that the war, on the part of the government, would be prosecuted for any other purpose than the subjugation of the rebellion; they did not think the slaves they had left behind, perhaps their father's slaves, or their widowed mother's, would be forcibly conscripted to fight at their side, dressed in the same uniform as themselves, and receiving the same pay.

The rights of the owners in the Slave States to their slaves, is guaranteed by the State and Federal Constitutions, and by enactments of the State and Federal Legislatures. Property in slaves is as sacred as any other property. A citizen in Kentucky holds his slave by the same right that he does his lands or his personalty; there is no distinction. And now the right is asserted of forcibly taking from loyal, as well as disloyal citizens, all able-bodied slaves in the States, (which, considering the purposes of the Act) is in plain violation of the State and National Constitutions. It has been proclaimed that Slavery is doomed, and shall be abolished by the military power under the pretext of "military necessity." When the enlistment of negroes

is considered in connection with the high-handed usurpations of power made by the President by his proclamations of September, 1862, followed up by the proclamation of Emancipation of January, 1863, and in connection with the declarations and measures of the dominant party in Congress, it is perfectly manifest to every one that the purpose of such enlistments is to inaugurate and consummate a grand scheme of emancipation without the consent of the owners.

To forcibly take the slaves of the citizens of Kentucky without full compensation, is as unconstitutional and as much a violation of the rights of the citizen as to take any other property. And the same military necessity which justifies the one will as well justify the other. And thus seizing the slaves for the purpose of destroying slavery in the States, adds to the crime of invading the Constitution, the further one of treachery to the nation by violating the solemn pledge given to the nation in the Chicago platform. What does that platform say? Here it is; listen! "That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions, according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends." This solemn pledge was given to the nation by the party now in power, and solemnly set forth in the platform on which they were elected. There was never such treachery and wrong perpetrated upon so grave a question against the nation as the violation of this pledge will exhibit. It is not only flagrant injustice to the slave owner, but disgraceful to the dominant party which made the pledge, and to the nation in which such a party can be dominant.

I do not believe that the slaves which shall be thus forcibly wrested from their owners will ever be paid for, and if there should be any payment it will be a merely nominal compensation, fixed by those who have committed the wrong. Before the war, able-bodied negro men were worth from twelve to fifteen hundred dollars each, and when the war shall be over the demand for labor will make them worth still more, if the institution of slavery shall be preserved from violent and unconstitutional destruction. Yet the highest sum suggested as compensation for those enlisted is only three hundred dollars, and that only for the most valuable; but even this pittance will not be paid. The same military necessity which justifies the taking, will readily justify withholding any compensation for those taken. The slaves in the States have never been recognised as constituting any part of the military force of the nation. It is not necessary to enlist negroes into the armies of the United States, for the suppression of the rebellion. We have a population of over twenty millions of freemen in the loyal States, against a population of about ten millions in the rebellious States, of whom about four millions are slaves. Our soldiers are as good as theirs. This statement is of itself sufficient to show that the enlistment of negroes is entirely unnecessary for the legitimate purposes of the war, and to show the purpose for which such enlistments are to be made. We have a regularly established Government, recognised as one of the leading National Powers of the

earth, with unlimited resources and credit, and one of the largest, most powerful, and best appointed navies in the world. They have no money, and no credit; we have an abundance of provisions and munitions of war. Their armies are suffering for food, their supply of munitions of war is not so abundant as ours, and far more precarious; our people are abounding in wealth, and are prospering in all the peaceful pursuits of life. We have now the possession of the Mississippi and Ohio rivers from their sources to their mouths, and of the Cumberland and Tennessee. Our armies have taken possession of and now hold the States of Arkansas, Tennessee, Mississippi and Louisiana, and large portions of Virginia, North Carolina and Texas. We have seven or eight hundred thousand soldiers in the field, and our armies are constantly increasing by new enlistments, and we will have a million under arms for the spring and summer campaigns. The territory of the loyal States is almost untouched by the blighting presence of hostile armies. Our people at home are happy in the peaceful pursuit of the usual vocations of quiet life; industry in every branch of trade and business is liberally rewarded. Our navies are untrammelled; the sails of our merchantmen whiten every ocean and sea; our commerce is welcomed by every nation. Their armies and their people are suffering for the necessaries of life; their industry is fettered; their great staple cotton can no longer be raised; millions of dollars worth of it and other property has been destroyed by their own armies; they have no foreign trade; they have no commerce; their harbors are closely blockaded; their country has been the scene of the war, and has been desolated by both armies; almost their whole available forces are in the field; they cannot restore their losses by disease, by death and by the fortunes of war. The rebellion is certainly on the wane, and if the war is prosecuted vigorously and wisely, it must ere long be subdued and peace restored upon a firm and enduring basis.

In the midst of our triumphs, when our people are filled with unabated confidence in the power of our armies to crush the rebellion, and when the rebels are discouraged, disheartened and almost disheartened, it is humiliating to the nation to see the Government bringing to its aid negro soldiers. It implies a want of confidence in our armies of free white soldiers. It will be degrading to the free-born American citizen to see the African slave put upon an equality with him in the armies of the Republic. It will damp his ardor; it will wound his sensibilities, and will disgust him. If the equality of the negroes is not recognized by the whites, the presence of negro soldiers will produce discontent in the army, impair the confidence of white soldiers and tend to insubordination and mutiny in the service. If such equality is recognised it must inevitably degrade the white soldier; but it will not be recognised while the pride and self-respect of our citizen soldiers are preserved. But these, like the other manly virtues of freemen may be broken down and eradicated by oppression and military despotism, but it cannot be quickly done; it will require for its wicked consummation many long years of the severest military oppression.

Such enlistments will prolong the war and greatly increase its horrors. It is no less than robbery of the citizen to take his property

without compensation, whether slave or other kind, unnecessarily under the specious pretext of military necessity. It is an insult to our soldier to place the negro soldier by his side, to fight for the preservation of the Government. It is an indignity which the free and manly heart of a Kentucky soldier cannot well bear. The negro is no party to the social compact by which the Constitution and the Government were established. He is not and cannot under our Constitutions be a citizen of the United States.

We have said that the employment of the negro soldiers will aggravate the horrors of the war; it cannot be otherwise. The long established prejudice of race would of itself produce this result, and the former relations of the races will still increase these horrors. The negroes, in this country at least, have always been looked upon as an inferior and degraded race. They have been enslaved, they are uneducated and not refined by culture; they will certainly from the very influence surrounding them, be always liable to be under the control of their coarse and bad passions, which will be excited and inflamed by camp life, camp associations and the indulgence of their licentious natures. They will abuse their authority over the captured foe whenever in their power. It makes the heart sick to contemplate the barbarities which may be perpetrated by this servile race, with arms in their hands against their owners; they may be imagined, but cannot be expressed. The history of their triumphs will be written in the conflagrations of houses, the desolation of homesteads, the murder of private unoffending citizens, in the violation of youthful beauty and innocence, and in every enormity which can be conceived by a depraved and unrestrained soldiery, maddened by triumph, by anger, by revenge, by cupidity and by brutal lust. If by the fortunes of war the negroes of a Southern plantation in one of the States in rebellion are captured by the Confederate forces, after having been enrolled and regularly mustered into our army, and while prisoners, their owner appears and claims his slaves as his property, holding in his hand the constitution of the State in which he lives, by which his right is established, and the Constitution of the United States by which it is guaranteed. What will the Confederate authorities do in the premises? They will surely surrender the slaves to the owner. When this is done what will our Government do? The captured soldiers from our army will have been surrendered into bondage. They have not been recognised as prisoners of war, only as property. Will our Government resort to the usual remedy of retaliation, and reduce to slavery an equal number of white prisoners? If so the savage and barbarous laws of war so long discarded by all civilized nations, will be at once reestablished and all prisoners of war are to be enslaved. The war will then have degenerated into barbarism. The humane laws of civilized nations will have been grossly violated. What under such circumstances will the civilized nations of the world think it their duty, to do in the interest of suffering humanity? They will interpose to prevent the further effusion of blood in so barbarous a war, and in this enlightened age of the world the voice of the civilized world must be obeyed, the war will cease, and the nation will be forever disunited,

and each section will be by turns the prey of the other, until both are exhausted, and become easy conquests to some superior power.

On the other hand if our government should refuse to retaliate, then it occupies before the world the humiliating position of forcing into its armies soldiers whom it will not or cannot protect when in extremity. These are some of the evils of negro enlistments. How mortifying it is to the friends of the nation to contemplate these things. If I were the enemy of my country as I am a devoted friend, I would not wish her a greater humiliation than may arise from these negro enlistments. It is because I love her with the fervid devotion due from a native son that I mourn so much over this thing.

One other thought and I will be done with this branch of the subject. I have shown, I think, that these negro enlistments are but a part of a grand scheme for the abolition of slavery, and to turn loose at no distant day upon the country four millions of freed negroes, suddenly to enter the great battle of life, unprepared as they are, with the superior dominant white race. It does not require the gift of prophecy to foretell what will be the sad fate of the negro in this unequal contest. They cannot stand the encounter, that "abrasion" to which the President at an early day looked as the possible end of slavery, will, unless they flee from the contest be the end of the race itself. They must either be driven from the country by the unequal contest, must perish by slow degrees as the Indian has done, or accept an apprentice system, by which they will only receive a support in health, and while able to labor, and be left in infancy, in sickness and in old age to perish from want or neglect, or to depend upon the precarious charity of a selfish and unsympathizing world, whose charity will have been already exhausted by the frequency of similar drafts upon it. Such a system will, in the end, turn out to be only a change of masters instead of the acquisition of freedom, and the substitution of a slavery controlled by the cupidity of mercenary taskmasters far more oppressive to the race than that from which they shall have been taken.

The President by his proclamation dated 22nd day of September, 1862, declared that all persons held as slaves on the 1st day of January, 1863, within any State or designated part of a state, the people whereof shall then be in rebellion against the United States, "shall be then, thenceforward and forever free," and that the Executive Government of the United States, including the Military and Naval authority thereof, will recognise and maintain the freedom of such persons, and will do no act or acts to suppress such persons or any of them in any efforts they may make for their actual freedom. And also, that the President would on said 1st day of January, 1863, designate by proclamation the States and parts of states, if any, in which the people thereof respectively shall then be in rebellion. And on said day he did by proclamation designate what States and parts of States were in rebellion, and to which his proclamation of emancipation should apply. He thus assumes to himself the power by his mere order to change the entire social relations of ten millions of people, inhabiting several large States and parts of States. A power as we have shown, manifestly in violation of the Constitution of the United

States and of the States respectively in which slavery exists. He seeks, by the exercise of this transcendent power, to destroy the property of the owners in their slaves to the value of hundreds of millions of dollars. A power under the Constitution, delegated to none of the departments of the national government or to all of them combined, and as all the powers of the National Government are delegated powers, those not delegated cannot be possessed by it at all. Clearly there is no more power under the Constitution to do this thing than there is to seize and appropriate all the other property of the people in the designated States and districts. He has used the military power to consummate this unconstitutional edict.

Great events have crowded upon the people in such rapid succession since the breaking out of the rebellion that they appear not to have paused to examine and understand their stupendous import. No despot of Europe could with safety to his crown perpetrate such an outrage upon his people. Yet the thing is boldly done in our Republic of limited Constitutional powers. In its perpetration no distinction is made; the loyal and the disloyal, the old and the young, the widow and the orphan; all alike are consigned to a common ruin, who have the misfortune to reside and hold slaves in the designated territory. The slaves in the respective States where they reside, are held by the laws of those States, made by as complete, clear and indisputable authority under our system of government as any other laws and consequently entitled to the same respect and obedience. We have said that no distinction is made in the operation of this proclamation between the loyal and disloyal. Indeed it seems to have been especially intended to reach the slaves of those persons who had not been guilty of treason, for the freedom of the slaves of those who had been guilty of treason had been already provided for by a law of Congress, which is recited in the proclamation itself.

Two days afterwards, to wit, on the 24th day of September, 1862, the President takes another great stride towards the aggrandizement of absolute power, by issuing his proclamation, declaring martial law throughout the United States, and suspending the privileges of the great and celebrated writ of habeas corpus. That writ in all free countries is the bulwark of personal liberty. The writ of habeas corpus is that Constitutional writ to which every citizen is entitled as a matter of right; by it any citizen imprisoned may be brought out of his imprisonment immediately in order that the lawfulness of his imprisonment may be inquired into by proper judicial authority. By its magic power bolts and bars and locks are loosed, jails and dungeons deliver up their unhappy tenants, that the cause of their confinement may be judicially investigated, and that every one unlawfully confined may go free. Such is this great bulwark of personal liberty. Yet Mr. Lincoln claims and exercises the power to suspend the privileges of this great writ. The Queen of England cannot suspend the privilege of this great writ. The power has not been claimed for a century or more; the power there is confided to Parliament. By the express provision of the Constitution of the United States, the privilege of this writ can only be suspended by Congress, and the power of

suspension is not an unlimited one, but can only be done by that authority in certain enumerated cases, to wit: in cases of rebellion or invasion, when the public safety may require it. The provision of the Constitution is found in the limitations upon the powers of Congress, and is in the following language: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it." But in defiance of the Constitution this power has been usurped by the President, and claimed as a war power, appertaining to him as Commander-in-Chief of the army and navy in time of war. Indeed, he not only claims the power to emancipate the slaves in the States whereof the people are in rebellion, and to suspend at pleasure the glorious privilege of the writ of habeas corpus, but in his letter to the Chicago Clergymen he claims the right, as Commander-in-Chief of the army and navy, to take any measure which may best subdue the enemy. His language is this: "Understand, I raise no objection against it on legal or constitutional grounds; for, as Commander-in-Chief of the army and navy, in time of war, I suppose I have a right to take any measure which may best subdue the enemy." He assumes the right to declare new offences and establish new punishments, unknown to the laws and the Constitution. He or his provost marshals or deputy provost marshals may arrest any citizen at pleasure, for whatever act he may choose to call a disloyal practice, and when so arrested the whole judiciary of the land is powerless to relieve him from his imprisonment however groundless or slight the charge may be; he may seize and incarcerate the citizen either in proximity to the scenes of battle and of the armies, or in the peaceful districts and States where the judiciary is in undisturbed exercise of its legal functions. If the President can set aside and violate any one provision of the Constitution whenever he or his provost marshals or any of his deputies deems that the measure will "best subdue the rebellion," it follows that every provision of the Constitution may in like manner be set aside and violated, and the liberties of the people are subject to the uncontrolled will of one man, and this is a despotism.

He may in the exercise of this power arrest and imprison at his will or the will of his provost marshals, any citizen in any State who either of them shall choose in the plenitude of their power to charge with "discouraging volunteer enlistments" or "being guilty of any disloyal practices." He may, under this enormous power, transfer him to any part of the country and confine him in prison. The citizen of Maine or Vermont may be arrested and transferred to a prison in Missouri or Kentucky, and the citizen of Kentucky or Missouri may be arrested and transferred to a prison in Vermont or Maine, and confined there indefinitely without trial, or he may be brought to trial for an offence unknown to the laws or the Constitution, before a military commission, to receive such punishment as this commission in its unlimited discretion may choose to inflict. He is deprived of the Constitutional right of trial by jury; no indictment of a grand jury is required. The offence is not ascertained and defined by law, or the degree or kind of punishment to be inflicted. Distance will prevent

the accused from having his witnesses before the commission. The defining of offences and affixing the punishment thereof is clearly a legislative power, and belongs to Congress, and whenever exercised by any other department of Government it is a usurpation. Whenever any power under our Constitution delegated to one department of the government is assumed and exercised by another, it is a usurpation, and endangers the whole form and system of the government, and if persisted in unnecessarily destroys the checks and balances of the Constitution, and our frame of free government, by which alone the rights and liberties of the people are preserved. The restraining of the different departments of the government exclusively to their appropriate functions, is the imperative duty of a free people; let not the Legislative Bench upon the Executive or Judicial Department, nor either of these upon the other, or upon the Legislative department. Under this vast power of arrest and imprisonment, and to take "any measure which may best subdue the enemy," the President or his marshals may seize and imprison the Judges of the Courts for some decision which they have given or may give, or the members of this or any State Legislature, and of Congress for words uttered in debate, if he or they think or profess to think that it is one of the measures by which he may "best subdue the enemy," or that such decision or utterance is a "disloyal practice."

The President claims these enormous powers under the Constitution, not as expressly granted thereby, but as necessarily implied. He claims them as appertaining to him in his military capacity as Commander-in-chief of the Army and Navy of the United States. The provision of the Constitution from which his military power is derived is as follows: The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States." By the construction of the Constitution contended for, the President in time of war is clothed with any and every power he may consider necessary to "subdue the enemy," and every right intended to secure the citizen against executive encroachments, and every right reserved either to the States or the people is dependant upon his mere discretion. This construction clothes the President with the powers of a military despotism. But this construction of the Constitution is groundless; it is not even plausible. He has no greater power as Commander-in-chief than any other citizen would have as Commander-in-chief. His military powers are not increased because he is clothed with the civil powers of President. He cannot destroy the laws of his country without being justly liable to the same penalty for such violation as any other citizen. He holds his office under the Constitution, and subject to the Constitution. His powers are only executive; he cannot make a law, he cannot repeal a law, he cannot suspend a law; the attempt to do either is a usurpation.

I will now, Mr. Speaker, briefly discuss the third and last resolution offered by the Select Committee, and two resolutions of the series offered by me as amendments, numbered six and seven. These resolutions embrace subjects of transcendent importance, no less than the

political and social condition of the whole people of ten sovereign States, having a population of about ten millions of people, about six millions of whom are free white citizens, and about four millions are slaves, dispersed over and inhabiting a territory of six hundred and seventy-two thousand square miles, a territory greater than the aggregate territory of England, Wales, Scotland, Ireland, France and the Spanish peninsula. The slaves are worth to their owners in times of peace twenty-five hundred millions of dollars. These resolutions condemn and repudiate the doctrine of the republican or abolition party, that the States whose people are in rebellion against the United States are no longer States of the Union, and upon the suppression of the rebellion, they are to be held as conquered provinces by the strong arm of military power, and only to be admitted into the sisterhood of States upon new conditions unknown to and repugnant to the Constitution of the United States. They declare that this doctrine is fraught with evil and evil only; that it is in contravention of the Constitution; that it is dangerous to the liberties of the people; that it is destructive of the rights, dignity and equality of the States; that it tends directly to the consolidation of all political power in the Federal Government, and to anarchy, and finally to military despotism, and that it in fact recognizes the dangerous principle of the right of secession. They further declare that the Constitutional relations of the States in rebellion to the government of the United States were suspended by military force, and that whenever the military power of the rebellion is subdued and destroyed, and the people of those States or of any of them shall in good faith return to their allegiance, and to obedience to the Constitution and the laws of the United States, they have the Constitutional right to resume their relations to the Government of the United States as they existed before the rebellion, and that any attempt to hinder this sacred right by the application of new tests and conditions is in derogation of the Constitution.

It is apparent that these resolutions are in direct antagonism to the doctrines of the dominant party in Congress, and to the President's proclamation of amnesty, which accompanied his last annual message. The Hon. Thaddeus Stevens, the acknowledged leader of the republican and abolition party of the lower House of Congress, and perhaps the ablest member of that body, took the bold position which was endorsed by his party, that the States whose people are or have been in rebellion against the United States are, wherever subdued, to be treated as conquered provinces. And the President, in his amnesty proclamation, claims the right and attempts by the mere dash of his imperial pen, to strike down ten sovereign States of this Union, to suddenly change the whole system of labor and the social and political condition of ten millions of people. He graciously offers pardon to all persons heretofore engaged in the rebellion, (with certain specified exceptions) if they will take, subscribe, and faithfully keep a certain oath prescribed by him. This proclamation is another gigantic stride towards the accomplishment of the settled purpose of the Abolition of slavery by the military arm of the Government. He appeals to the tears, the hopes, the avarice of the people to induce them to take the

oath. They are promised full pardon for their offences, and a restoration of all their property which may have been taken except slaves. The oath is most extraordinary in terms. I will read it:

"I ———, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will in like manner abide by and faithfully support all Acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified or held void by Congress, or by decision of the Supreme Court; and that I will in like manner abide by and faithfully support all proclamations of the President made during the existing rebellion, having reference to slaves so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

This oath, it will be perceived, requires the person taking it to abide by and support all acts of Congress passed during the existing rebellion with reference to slaves, and all proclamations of the President made during the existing rebellion having reference to slaves. It applies as well to proclamations already made as to those hereafter to be made, to the uttered and unuttered will of the President. Nothing less than blind obedience to the Presidential decrees, present and future, will satisfy.

It is also proposed by this proclamation that whenever one-tenth of the legal voters in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, North Carolina and South Carolina, will take this amnesty oath and preserve it inviolate, and will reestablish a State Government which shall be republican, and nowise *contravening this oath*, such shall be recognised as the true government of the State, and the States shall receive thereunder the benefits of the Constitutional provision, which declares that "the United States shall guaranty to every State in this Union a republican form of government," and shall "protect each of them from invasion" and "domestic violence." This seems to me of all the dangerous assumptions of power by the President, to be the most dangerous to the liberties of the people. It is in direct conflict with the Constitution; it at once, if carried into operation, destroys all the political power of the States and consolidates it in the National Government. It produces a fundamental and structural change in our whole system of Government. It takes the control of the State from the whole people, and gives it to one-tenth; it fixes the qualification of voters for State officers, a power expressly reserved by the Constitution to the States respectively, and is the foundation of their political liberty. The small minority of one-tenth who have been thus created an oligarchy, sworn to execute the behests of the President, as to the slave property of the people, owing all power and political consequence to the Executive, knowing that the power that has made can unmake them, and needing protection in their powers from the proscribed majority of nine-tenths of the people, they will easily prove pliant tools in the hands of the party in power in the general Government. And how is the authority of the sworn one-tenth to be maintained against the overwhelming majority of nine-tenths of unsworn freemen, who have been so boldly proscribed; manifestly by

a regular military establishment, to live upon and eat out the substance of the people. And thus whole States and peoples are to be sacrificed to the demon of Abolition. No precedents are sought to justify the wrong; all constitutional barriers are bounded in a trice; legal restraints are but as cobwebs. Ask for the authority for the extraordinary proceedings, and "military necessity" is invoked, and reply that "military necessity" is of doubtful validity for the violation of any law, and cannot be heard at all to justify any act which endangers the very frame of Government itself. You are then confidently told, "I suppose I have a right to take any measure which may best subdue the enemy," "and as I am alone the Judge of the efficacy of the measures adopted, my decision must be held to be conclusive in this matter." And thus it is by one pretext or another the most startling usurpations are enforced.

But it is well understood by all that the question of slavery under our Constitution, is entirely and exclusively in the power of the several States where it exists. It is well known that all the activity of the President and his party cannot entirely eradicate slavery before the war must end. It will be left untouched perhaps in some portions of the States where the armies have not gone, and will not go; the aged, and the women and children will still be left; the people in these localities and perhaps in States will cling to the institution. It therefore becomes necessary in the opinion of the dominant party to amend the Constitution so as to prohibit slavery in any State, but how is such an amendment to be procured? The Constitution provides only two modes for its amendments. Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments. Or upon the application of the Legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid when ratified by the Legislatures of three-fourths of the several States, or the conventions of three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress. If the several States are permitted to resume their positions and relations in the Union when the rebellion shall be suppressed therein, as they existed before the rebellion, and all legal voters are allowed to participate in the elections, it will be impossible to get such a majority of the States to ratify such amendment as is necessary to give it validity, but if the *oligarchy* of *one-tenth* is to control the States, there will be no difficulty in the matter. They are committed by their oath; they are bound by their dependence upon the power that protects them. The sworn *one-tenth* would be as plastic on this as on all other occasions. This view may throw some additional light upon the motives of those who favor the President's plan of reconstruction.

No man can honestly take the President's oath who believes that slavery is protected by the Constitution, and no man of intelligence can doubt the proposition. The oath requires perjury in the act of taking; it requires one to support the Constitution of the United States, and to violate it by sustaining the President's abolition proclamations present and prospective. No man, sir, can "faithfully sup-

port, protect and defend the Constitution of the United States," and at the same time support all acts of Congress, and "all proclamations of the President made during the existing rebellion, having reference to slaves." The thing is morally impossible. The Constitution and the proclamations are antagonistic and inconsistent. To support the one is necessarily to oppose the other. The Constitution is written, established and fixed; a citizen's duty to support that instrument is a certain, permanent and consistent duty, but the obligation to support all the President's proclamations in reference to slavery involves a change of principles as often as the President may see proper to modify and change his proclamations, and most probably a violation of the Constitution at each stage of that support.

The injustice of this plan of reconstruction, as it is called in the proclamation, is so clear to me, that I cannot understand how honest, right-thinking men can differ about it. No man under this plan can aid in establishing the State Government by voting, holding office, or otherwise. He can have nothing to do with it, either now or hereafter, unless he has taken the President's amnesty oath. Continued devotion to the Union and the Constitution, and the truest and highest service in council and in the field, added to all the Constitutional qualifications will be of no avail. He cannot vote, he cannot take any part in the administration of his Government while he remains a free man. He must first abase himself; he must first be bound hand and foot, by taking the President's abolition oath. This is the pool of Siloam in which all must wash and be cleansed.

The worthy, the respectable, the conscientious loyal citizens will generally refuse to take the oath. They will feel that they have done nothing against their country, that having committed no offense, they do not need amnesty or pardon, and that their Constitutional rights are invaded by requiring them to do so. The one-tenth will it is to be feared generally be composed of returned rebel soldiers, who have taken the oath for their personal security and the security of their property, and to enable them to take part in the reconstruction, and of reckless and unprincipled adventurers. Such an oligarchy will not have or deserve the confidence of the people; dissensions, discontents, tumults and collisions will be frequent in the community.

The Union has not been dissolved and cannot be except by successful revolution. The relations of the States whose people have passed secession ordinances, and are in rebellion are only suspended, not radically changed. We need no reconstruction, but only that the forces which suspend the relations of the States shall be subdued, and then each State may return to its proper orbit, and move harmoniously therein, under our Constitutional system. To seek reconstruction admits dissolution, and of course the fact of secession; we deny both.

The last resolution in the series of amendments approves and endorses the principles of Governor Bramlette's inaugural address and annual messages so far as they treat of our Federal relations. His inaugural address is a State paper of much merit, both for its ability and its conservative doctrines, and occupies in my opinion the true ground for the Union men of Kentucky, and for the Union men every

where, and I shall be much gratified at the passage of the resolution. As Union men, we owe it to justice, to the country, and to him to sustain and support our governor whenever we can do so consistently with principle. Gov. Bramlette challenges the confidence of all the friends of the Union everywhere; his devotion to his country is a matter of history. He left a high judicial station for which he was admirably fitted, and was one of the first to raise a regiment for the service of the Union. He was always ready to serve his country either at the head of his regiment or of a small squad of soldiers. His vigilance, his prowess, his activity, and his promptness whenever duty called him will long be remembered by his grateful countrymen. And when the regular nominee of the party failed to accept the nomination for Governor, and when it seemed difficult to find a suitable candidate for the office, he was called upon to make the race; he promptly responded, leaving the blandishments and endearments of home, giving up his private business, and putting aside all impediments, he entered actively and zealously into the canvass, and was triumphantly elected. No man in the State perhaps, has more of the public confidence than he has. His public official course has produced the general conviction that he is the right man in the right place.

Mr. Speaker, I am no devotee to the institution of African slavery, very far from it, and if, in the legitimate prosecution of the war, slaves or any other property should incidentally suffer or be lost, I would not complain; but when its destruction is made a purpose of the war, and it is directly assailed and Constitutional rights invaded, I feel bound to enter my earnest protest. I repeat that I am for the vigorous prosecution of the war, and for furnishing men and money and every legitimate means that may be necessary to subdue the rebellion, which I earnestly desire shall be speedily done. From the beginning I have been for coercion. I have never thought at any time since the beginning of the rebellion that the Union could be preserved except by force. I am still for coercion. Whilst these have been and still are my opinions, I have thought and still think that the pledge of the Nation, embodied in the celebrated Crittenden resolution ought to be faithfully observed. I believe that resolution sets forth the principles on which the war ought to be conducted on our part, and that every departure from them has impeded our success, and strengthened our enemies. In the language of that resolution I say that this war ought not to be urged on our part in any "spirit of oppression for any purpose of conquest or subjugation, or for any purpose of overthrowing or interfering with the rights or established institutions of any of the States, free or slave; but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity equality and rights of the several states unimpaired, and that as soon as these objects are accomplished the war ought to cease."

I have considered it my duty as the representative of a free people, to stand in my place here, as the humble but earnest advocate of the great Constitutional rights of the people, and to protest against their violation. I am filled with alarm at the spirit of lawlessness which reigns throughout the land. I confess that the aspect of public

affairs is very gloomy. I have no fears of the nation's ability to conquer the rebellion. I have never doubted it, but I have feared that in conquering the rebellion, the Constitution may be prostrated and its guarantees of popular rights lost.

But I am not without hope for the republic. I turn anxiously, hopefully, trustingly to the virtue, intelligence and heart of the people in whom all political power ultimately rests, that they will vindicate by the sure means of the ballot-box the Constitution from invasion, and preserve the great popular rights of personal liberty, personal security, private property, liberty of speech, liberty of the press, and the freedom and equality of elections, and secure to our distracted people, union, peace, fraternity, security liberty and happiness.



